GREENVILLE CO. S. C.
HAY 18 2 15 FM '73
DONNIE S. TANKERSLEY
R M C.

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

AGREEMENT

This Agreement entered into this 16th day of May, 1973, by and between Executive Park Associates, a partnership, organized in Greenville, S. C., hereinafter referred to as "Executive Park", and Department of Parks, Recreation & Tourism, a body corporate under the laws of the State of South Carolina, hereinafter referred to as "Department",

## WITNESSETH:

WHEREAS, Executive Park is the owner and holder of that certain tract of land as is more fully shown on a plat entitled "Koger Properties, Inc." prepared by Piedmont Engineers-Architects-Planners, dated March 13, 1973, containing 36.938 acres, and

WHEREAS, Department has jurisdiction, control and authority over the adjoining tract of land containing approximately 50 acres and having been used for the South Carolina Tricentennial Commission, and

WHEREAS, the aforesaid plat shows a fence encroaching on the property of Executive Park, which fence was constructed on behalf of the South Carolina Tricentennial Commission and said fence constitutes a continuing trespass on the property of Executive Park, and

WHEREAS, Department has agreed to remove said fence from the property of Executive Park at its request, now therefore, for and in consideration of the mutual promises herein contained, it is understood and agreed as follows:

- 1. Department hereby agrees to remove the fence from the property of Executive Park, at Department's expense, within 30 to 60 days upon receipt of written request to remove said fence.
- 2. Department acknowledges that said fence is on the property of Executive Park without its consent and acknowledges the joint line between property of Executive Park and Department to be as shown on the plat referred to above and that Department has not acquired any rights to maintain said fence by way of adverse possession, waiver, estoppel or otherwise.